

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICAN and
STATE OF WISCONSIN,
Plaintiffs,

v.

Case No. 10-CV-910

NCR CORPORATION, et al.,
Defendants

DECLARATION OF JOHN R. WOLFE

I, John R. Wolfe, hereby declare and state as follows:

1. I am John R. Wolfe, Ph.D., P.E., a Vice President of LimnoTech, Inc. (“LTI”). I am a nationally recognized expert in contaminated sediments, including site characterization and fate and transport modeling. I have managed and provided technical expertise to projects dealing with these issues since 1997 on major contaminated sediment sites for federal, state, and industrial clients. My company, LTI, is a leading water science and engineering firm, having completed projects in 47 U.S. states since 1975. Technical services related to contamination and remediation of sediments is one of LTI’s major practice areas. Our corporate web site can be accessed at <http://www.limno.com>.

2. In a declaration dated January 31, 2011, Dr. Craig Jones discusses a memorandum that I wrote entitled “Upstream PCB Transport from Green Bay West Facility,” dated September 2, 2010. In his declaration, Dr. Jones includes a figure denoted Exhibit B that purports to show “the 1970 data identified by LimnoTech” in my

September 2 memorandum. Based on his analysis, Dr. Jones asserts that “significant (top 30%) seiche height for 2003/2004 is approximately 3 times larger [than] that of 1970,” and he concludes that “the 1970 record is not representative of maximum upstream transport” on the Lower Fox River.

3. Dr. Jones based his conclusions on incorrect information. The graph in Dr. Jones’ declaration misstates the amplitude of the seiches that occurred in 1970.

4. Attached to this declaration is an Exhibit A that accurately portrays the 1970 hourly water level data that LTI used to model upstream particle movement as described in my September 2, 2010 memorandum. The 2003/2004 water level data cited by Dr. Jones is also shown on Exhibit A.

5. As Exhibit A shows, seiche heights (i.e., trough to peak increases in water level) were not smaller in 1970 than in 2003/2004. Contrary to the statement in Dr. Jones’ declaration, the 30% seiche heights in the two time periods were virtually identical (differing by less than one inch), and more extreme seiche heights were greater in 1970 than in 2003/2004. For example, the maximum seiche height in 1970 (which occurred on February 2) was 0.99 meters, while the maximum seiche height in 2003/2004 (which occurred on November 13, 2003) was only 0.81 meters.

6. I have reviewed the data and analyses supporting my September 2, 2010 memorandum and confirmed that because of the combination of conservative assumptions used -- including the use of the 1970 hourly water level data -- the mapped footprints provided by the LTI modeling yield a conservatively high estimate of the potential scope of upstream sediment impacts of releases from the Green Bay West mill.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

February 16, 2011

John R Wolfe
John R. Wolfe

Exhibit A - Hourly Water Surface Elevation (WSE) Data

